

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

LUPIN ATLANTIS HOLDINGS S.A.,

Plaintiff,

v.

APOTEX INC., APOTEX CORP. and
ETHYPHARM S.A.,

Defendants.

Civil Action No. 1:11-cv-00234 (LPS)

**DEFENDANT ETHYPHARM S.A.’S
ANSWER TO THE COMPLAINT OF PLAINTIFF LUPIN ATLANTIS HOLDINGS S.A.,**

Defendant Ethypharm S.A. (“Ethypharm”), by and through its undersigned counsel, hereby presents its Answer to Plaintiff Lupin Atlantis Holdings S.A.’s (“Lupin”) Complaint, dated March 18, 2011 (the “Complaint”).

ANSWER

Answering each of the corresponding numbered paragraphs of the Complaint, Ethypharm answers and responds to the allegations therein, based on its current information and belief, as follows:

THE PARTIES

1. On information and belief, admitted.
2. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Complaint.

3. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Complaint.

4. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the Complaint.

5. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Complaint.

6. Admitted.

7. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Complaint.

JURISDICTION AND VENUE

8. Admitted.

9. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Complaint.

10. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Complaint.

11. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the Complaint.

12. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12 of the Complaint.

13. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 13 of the Complaint.

14. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Complaint.

15. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required,

Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 15 of the Complaint.

16. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 16 of the Complaint.

17. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17 of the Complaint.

18. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18 of the Complaint.

19. Admitted.

20. Paragraph 20 purports to state a conclusion of law to which no response is required. To the extent a response is required, Ethypharm admits that Ethypharm is subject to personal jurisdiction in this judicial district.

21. Paragraph 21 purports to state a conclusion of law to which no response is required. To the extent a response is required, Ethypharm admits that venue is proper in this judicial district.

BACKGROUND

22. On information and belief, admitted.

23. On information and belief, admitted.

24. On information and belief, admitted.

25. On information and belief, admitted.

THE PATENTS-IN-SUIT

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted.

30. Admitted.

31. Admitted.

COUNT I FOR PATENT INFRINGEMENT

32. Ethypharm incorporates by reference and restates its answers to paragraphs 1-31 as though fully stated herein.

33. Admitted.

34. Admitted.

35. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 35 of the Complaint.

36. On information and belief, admitted.

37. Paragraph 37 purports to state statutory authority and regulations to which no response is required. To the extent a response is required, admitted.

38. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

39. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

40. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

41. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

42. Paragraph 42 purports to state a conclusion of law to which no response is required. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 42 of the Complaint.

43. The first sentence of paragraph 43 purports to state a conclusion of law to which no response is required. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of paragraph 43 of the Complaint. The allegations in the second sentence of paragraph 43 are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

44. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

45. Admitted.

46. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, on information and belief, admitted.

47. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, on information and belief, admitted.

48. Ethypharm states that these allegations purport to state a conclusion of law to which no response is required. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 48 of the Complaint.

COUNT II FOR PATENT INFRINGEMENT

49. Ethypharm incorporates by reference and restates its answers to paragraphs 1-48 as though fully stated herein.

50. Admitted.

51. Admitted.

52. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 52 of the Complaint.

53. On information and belief, admitted.

54. Paragraph 54 purports to state statutory authority and regulations to which no response is required. To the extent a response is required, admitted.

55. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

56. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

57. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

58. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

59. Paragraph 59 purports to state a conclusion of law to which no response is required. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 59 of the Complaint.

60. The first sentence of paragraph 60 purports to state a conclusion of law to which no response is required. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of paragraph 60 of the Complaint. The allegations in the second sentence of paragraph 60 are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

61. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm.

62. Admitted.

63. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, on information and belief, admitted.

64. Ethypharm states that these allegations are directed to one or more unrelated defendants, and do not require a response from Ethypharm. To the extent a response is required, on information and belief, admitted.

65. Ethypharm states that these allegations purport to state a conclusion of law to which no response is required. To the extent a response is required, Ethypharm is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 65 of the Complaint.

LUPIN'S PRAYER FOR RELIEF

Ethypharm states that the relief sought in paragraphs A-H and J-K of the Complaint are not directed to Ethypharm, and thus require no response. Ethypharm denies that it is necessary for it to be realigned and named as a Plaintiff in this action.

Dated: May 23, 2011

/s/ Kevin W. Goldstein

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CERTIFICATE OF SERVICE

I, Kevin W. Goldstein, hereby certify that on May 23, 2011, I caused the foregoing *Defendant Ethypharm S.A. 's Answer to the Complaint of Plaintiff Lupin Atlantis Holdings S.A.* ("Ethypharm Answer") to be filed electronically with the Court, where it is available for viewing and downloading from the Court's ECF system, and that such electronic filing automatically generates a Notice of Electronic Filing constituting service of the filed document on the counsel of record identified on the docket and as shown below:

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/s/ Kevin W. Goldstein
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